

### **REMARKS/ARGUMENTS**

Claims 3-11 and 23 are pending in the application. Claims 3-11 and 23 are submitted to clearly distinguish patentably over the prior art in view of the following discussion. No new matter is involved.

In paragraph 1 on page 2 of the final Office Action, the claims are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. According to the final Office Action, the application does not disclose the feature in accordance with the invention of “interrupting the recording of the recording signal onto the disk when it is determined that the recording position reaches the changeable position”. Further according to the final Office Action, the specification seems to describe a detection operation after interruption of recording and does not describe interrupting the recording of the recording signal onto the disk when it is determined that the recording position reaches the changeable position. This rejection is respectfully traversed.

The specification clearly describes the feature of “interrupting the recording of the recording signal onto the disk when it is determined that the recording position reaches the changeable position” at line 26 of page 14 through line 22 of page 15. These two paragraphs of the specification describe a recording control method in which an operation involving a change in recording speed is described. With a state in which the recording operation is performed in a constant linear speed state, the recording position is moved to a position in which the recording operation can be performed in a constant higher linear speed state. As stated beginning in line 12 of page 15, “To perform the changing operation in this manner, it is necessary to resume the recording operation after the recording operation in once interrupted. That is, the recording operation performed in the constant state

of 16 times the linear speed is once interrupted.” Thus, recording of the recording signal onto the disk is interrupted when it is determined that the recording position reaches the changeable position. In order to resume the recording operation after the recording operation is once interrupted, a control operation for resuming the recording operation is performed. The recording interruption and resuming operation can be performed using the recording control method.

In paragraph 2 which begins on page 3 of the final Office Action, claims 3-8 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmonsén in view of U.S. Patent 6,643,233 of Yen et al. In paragraph 3 which begins at the bottom of page 8 of the final Office Action, claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmonsén in view of Yen and further in view of U.S. Patent 6,556,524, of Takeshita. In paragraph 4 which begins on page 9 of the final Office Action, claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmonsén in view of Yen and further in view of Takeshita. These rejections are respectfully traversed.

As previously pointed out, none of these references, taken alone or in combination thereof, show or suggest the feature in accordance with the invention of “interrupting the recording of the recording signal onto the disk when it is determined that the recording position reaches the changeable position”. In Applicants’ response to the final Office Action of May 19, 2005, the differences between the present invention and the cited references were pointed out. In Applicants’ Amendment of December 12, 2005, it was further noted that Yen discloses a technique of determining an optimum rotation speed laser power based on an error-count of ATIP stored in a pregroove. In contrast, when the recording position reaches a predetermined radial position in arrangements according to the

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recording speed before the rotation speed is changed, and the recording speed is determined.

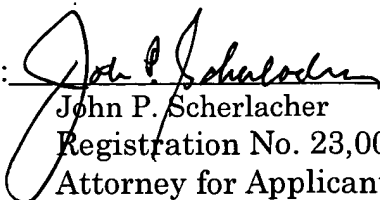
As pointed out in Applicants' Amendment of December 12, 2005, the present invention differs from Yen in that (i) the recording properties are detected based on a signal reproduced at a speed before the rotation speed is changed. In addition, and according to the embodiment of the present invention, the recording resumption operation is performed in a manner similar to that in the buffer under-run state. Therefore, the present invention comprises a structure for (ii) reproducing data recorded immediately before the recording operation is interrupted, and detecting the recording properties based on the reproduced signal.

In conclusion, claims 3-11 and 23 are submitted to clearly distinguish patentably over the cited references for the reasons discussed above. Therefore, reconsideration and allowance are respectfully requested.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,  
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